FILE COPY

Office-Supreme Court, U.S.
FILED
MAR 15 1965
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1964

No. 913

ANTHONY ROMA individually, etc. & ano., etc., and for all others in the employ of the Transit Authority, City of New York, similarly situated,

Petitioner,

—vs.—

MUNICIPAL CIVIL SERVICE COMMISSION, CITY OF NEW YORK, TRANSIT AUTHORITY, CITY OF NEW YORK, STATE CIVIL SERVICE COMMISSION and ABRAHAM D. BEAME, Comptroller of the City of New York,

Respondents.

MEMORANDUM IN OPPOSITION OF RESPONDENTS MUNICIPAL CIVIL SERVICE COMMISSION, ET AL.

Petitioners assert that their jobs bring them within the coverage of a New York statute which provides a method of fixing wages in certain employments. No claim has heretofore been made under federal law, nor would the facts have permitted such a claim. Except in one respect, this case is not different from *Matter of Corrigan* v. *Joseph*, 304 N.Y. 172 (1952), in which this Court denied certiorari *sub nom. Remelius et al.* v. *Joseph*, 345 U.S. 924. The difference lies in the circumstance that Remelius was employed by an agency of the City of New York, the Board of

Transportation, whereas the instant petitioners are employed by the Transit Authority, a later-created public benefit corporation which has succeeded to the functions performed by the former Board of Transportation and to which the Board's employees were transferred. This difference is immaterial, so far as a federal issue is concerned. The petition is patently without merit.

March 12, 1965.

Respectfully submitted,

LEO A. LARKIN
Corporation Counsel
Attorney for Respondents Municipal Civil Service Commission, et al.

SEYMOUR B. QUEL,
ALFRED WEINSTEIN,
of Counsel.